

1 PHILLIP A. TALBERT  
United States Attorney  
2 MATHEW W. PILE, SBN CA 32245  
Associate General Counsel  
3 Office of Program Litigation, Office 7  
Social Security Administration  
4 MARCELO ILLARMO (MABN 670079)  
Special Assistant United States Attorney  
5 Social Security Administration  
6 6401 Security Boulevard  
7 Baltimore, Maryland 21235  
Telephone: (510) 970-4822  
8 E-Mail: Marcelo.Illarmo@ssa.gov  
Attorneys for Defendant  
9

10  
11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**

|   |   |                                     |
|---|---|-------------------------------------|
| 13 JENNETTE LYNN STANCY,                | ) | CIVIL NO. 2:23-cv-00604-TLN-DMC     |
| 14 Plaintiff,                           | ) |                                     |
| 15 v.                                   | ) | <b>STIPULATION AND ORDER FOR</b>    |
| 16 KILOLO KIJAKAZI,                     | ) | <b>AWARD OF ATTORNEY FEES UNDER</b> |
| Acting Commissioner of Social Security, | ) | <b>THE EQUAL ACCESS TO JUSTICE</b>  |
| 17 Defendant.                           | ) | <b>ACT (EAJA)</b>                   |
|   | ) |                                     |
|   | ) |                                     |

---

19  
20  
21 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
22 counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees and  
23 expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount  
24 of five thousand dollars (\$7,500.00) and costs in the amount of four hundred two dollars  
25 (\$402.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal services  
26 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with  
27 28 U.S.C. §§ 1920; 2412(d).

28 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
the matter of any assignment of EAJA fees by Plaintiff to her counsel Melissa Markos Nyman,

1 (Counsel). Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91  
2 (2010), the ability to honor the assignment will depend on whether the fees are subject to any  
3 offset allowed under the United States Department of the Treasury's Offset Program. After the  
4 order for EAJA fees is entered, the government will determine whether they are subject to any  
5 offset.

6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
7 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,  
8 expenses and costs to be made directly to Counsel pursuant to an assignment executed by  
9 Plaintiff. Any payments made shall be delivered to Counsel.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
11 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
12 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
13 bar to, any and all claims that Plaintiff and/or Counsel, including his firm, may have relating to  
14 EAJA attorney fees in connection with this action.

15 This award is without prejudice to the rights of Counsel to seek Social Security Act  
16 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA .  
17

18 Dated: December 7, 2023

/s/ Melissa Markos Nyman\*

MELISSA MARKOS NYMAN

Attorney for Plaintiff

\*Authorized via e-mail on 12/6/23

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

Associate General Counsel

Social Security Administration

24 By: /s/ Marcelo Illarmo

MARCELO ILLARMO

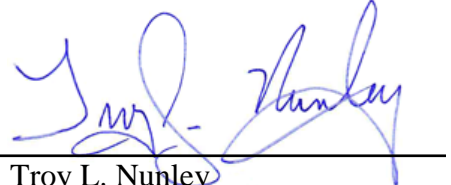
Special Assistant United States Attorney

26 Attorneys for Defendant

**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$ 7,500.00 as authorized by 28 U.S.C. § 2412, and costs in the amount of \$402.00 as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

DATED: December 7, 2023



---

Troy L. Nunley  
United States District Judge